In the area of boutique fuels, the bill also falls badly short. Everyone in my state of Wisconsin is familiar with price spikes during the shift from the spring to winter fuel supply. Wisconsin has pushed for national standards for federally mandated reformulated gasoline blends, or RFGs, to try to broaden the supply and reduce price hikes during RFG shortages. The current bill will just authorize a study about the problem, not solve it. We had a genuine bipartisan effort to try to do this. I cannot understand for the life of me why this was not included in the conference report.

Also, the bill has serious and unwelcome environmental impacts. For example, the bill undercuts the Clean Air Act by postponing ozone attainment standards across the country. This issue was never considered in the House or Senate bill, but it was inserted in the conference report. This rewrite of the Clean Air Act is not fair to cities like Milwaukee that have devoted significant resources to reducing ozone and cleaning up their air. And, as asthma rates across the country increase, this provision could severely undercut efforts to safeguard the air quality of our citizens.

In addition to undermining air quality protection, the bill allows for siting of transmission lines in national parks, grants exemptions from the Clean Water Act and Safe Drinking Water Act for oil and gas companies, and pays oil and gas companies for their costs of compliance with the National Environmental Policy Act. I am also concerned that the liability exemption for MTBE is retroactive to September 5, 2003, which will nullify about 100 ongoing lawsuits. MTBE is found in all 50 States, and high levels are affecting drinking water systems all over the Midwest, including 5,567 wells in 29 communities in Wisconsin, even though the state only used MTBE gasoline for the first few weeks of the phase I program that began in January 1995. As a result of this bill, taxpayers are going to have to foot the $29 billion bill for the national MTBE cleanup.

This bill fails to reduce our reliance on fossil fuels. The Senate energy bill contained a requirement that power companies provide at least 10 percent of their power from renewable energy sources like wind, water, and solar power. The technical term is a renewable portfolio standard. The current bill doesn't contain any renewable portfolio. standard. There's no doubt that we can and should do better on renewable energy to reduce our dependence on foreign fossil fuels.

Although, I support many of the renewable fuel provisions in the bill regarding ethanol, I am troubled by the fact that the bill also depletes vital highway funds for States by siphoning money from the volumetric ethanol excise tax credit.

The content of the bill is problematic, but so is the process of how it was written. My Democratic colleagues who served on the conference had only 48 hours to review the 1,700-page report before the Monday conference meeting. They were virtually shut out of the negotiation process. I regret that the manner in which the current bill was drafted—in secret, closed meetings, without adequate time to review it. This is no way to come up with a balanced national energy policy.

For these reasons, I oppose this bill and I will oppose cloture. I appreciate the need to develop a new energy strategy for this country. I disagree strongly, however, with the measures taken in this bill. This is a bad bill, it's bad for Wisconsin, and it's bad for the Nation's taxpayers.

I thank my colleagues from Oregon and my colleague from New Jersey for their courtesy in letting me give my remarks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

UNANIMOUS CONSENT REQUEST

Mr. WYDEN. Madam President, on behalf of myself, Chairman GRASSLEY, Chairman LOTT, and Senator BYRD, I ask unanimous consent the Rules Committee be discharged from consideration of S. Res. 216; that the Senate proceed to its immediate consideration; the resolution be agreed to, and the motion to reconsider be laid upon the table, without any intervening action or debate.

Mr. BURNS. Madam President, reserving the right to object, and I will object, this is mistimed to be considering this rule change on this piece of legislation. On behalf of some Senators on this side of the aisle I will have to object to the Senator's request.

The PRESIDING OFFICER. The objection is heard.

Mr. WYDEN. Has the Senator objected? I was under the impression you reserved the right to object.

Mr. BURNS. I reserved the right to object, and I did object.

Mr. WYDEN. Madam President, in light of the objection, on behalf of myself, Chairman GRASSLEY, Chairman LOTT, and Senator BYRD, I ask unanimous consent that no later than March 1 of 2004 the Rules Committee be discharged from further consideration of S. Res. 216, if not reported, and that the Senate proceed to the consideration of S. Res. 216 at a time determined by the majority leader following consultation with the Democratic leader.

Mr. BURNS. I object.

The PRESIDING OFFICER. The objection is heard.

## MORNING BUSINESS

Mr. WYDEN. Madam President, I ask unanimous consent there now be a period of up to 20 minutes of morning business under my control to discuss S. Res. 216.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENDING SECRET HOLDS

Mr. WYDEN. Madam President, my good friend from Montana and I have worked together on so many issues. He has objected to this bipartisan resolution which would give the Senate a chance to end one of the most pernicious practices in Washington, DC, and that is the practice of secret holds.

Walk down Main Street anywhere in the United States, and I bet you would not find one out of a million Americans who know what a secret hold is. The hold does not appear anywhere in the dictionary. It is not even in the Senate rules. Yet it is one of the most powerful weapons that any U.S. Senator has. It is, of course, a senatorial courtesy whereby one Senator can block action on a bill or nomination by telling the respective Democrat or Republican leader that he or she would object. The objection does not have to be written down, and it does not have to be made public.

It is a little bit like the seventh inning stretch in baseball. There is no official rule or regulation that talks about it, but it has been observed for so long that it has become a tradition.

Now, the capacity to use this hold, which is in secret—there is no transparency, no accountability—the prospect of using these secret holds is notorious and has given birth to several intriguing offspring: The hostage hold, the rolling hold, and the May West hold. Suffice it to say, at this time of the year secret holds are more common than acorns around an oak tree.

Senator GRASSLEY and I have been working on this for almost 7 years. I am extremely proud that the chairman of the Rules Committee, Senator LOTT, has joined us on this matter. Senator BYRD is a cosponsor. There is no one in this body who has a better understanding of the rules than Senator BYRD, and Senator BYRD has made it clear this practice is out of hand. It is out of hand because the rules are designed to expedite the business of the Senate and not hold it up.

What we heard earlier in the objection to the effort to end secret holds is emblematic of what has happened. The objection was based on the idea that now was not a good time for the Senate to address this. It is never a good time to address it if you are in favor of doing business behind closed doors. If you are in favor of doing the public's business without accountability, it is never a good time. If you are in favor of doing business in secret, of course, we are never going to bring it up in the Senate.

The minority leader, Senator DASCHLE, has been supportive of this effort from the very beginning. From the very first day I went to him to discuss this, he said: You are right. The hold is an important power for a member of the Senate, but it ought to be exercised with some accountability.

So there was no objection from this side of the aisle. Unfortunately, we had an objection from the other side. I